Annex to the note verbale dated 22 March 2016 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

I have the honour to refer to the Report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus (A/HRC/31/21) which was circulated on 1 February 2016 and to bring to your kind attention the following facts and considerations:

With reference to the "Introduction" section of the Report, which tries to reflect the situation in the Island, it is necessary to elaborate on various points which require clarification.

The references to the so-called "Government of the Republic of Cyprus" reflect neither the realities nor the legal position on the Island. Ever since the forcible expulsion of the Turkish Cypriot co-founding partner from the 1960 partnership Republic, there has been no constitutional Government representing both peoples of the Island. The Turkish Cypriot people did not accept the forceful takeover of the Partnership State by the Greek Cypriot side in 1963 and, through their decisive resistance, prevented the Greek Cypriot side from extending its authority over them. Since December 1963, there has not been a joint central administration on the Island, capable of representing both peoples, either legally or factually. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus".

The references in Paragraph 10, to the recommendations received by the Government of Turkey during the twenty-first session of the Universal Periodic Review (UPR) in relation to human rights situation in Northern Cyprus, is inappropriate as it only serves the political purposes and claims of the recommending countries and creates the impression that Turkey has authority and jurisdiction in Northern Cyprus and uses it to prevent the implementation of human rights. The report deals with human rights situation in Cyprus whereas the cited UPR session deals with human rights situation in Turkey and was not related to Cyprus. Turkey has no authority or jurisdiction in Northern Cyprus. Northern Cyprus is under the full control and jurisdiction of the Turkish Cypriot authorities within the rule of law and the responsibility for all matters, including human rights lies solely with the relevant Turkish Cypriot authorities. We strongly believe that future reports should refrain from such references.

It is a shortcoming of the report that reference to the question of missing persons in Section III (A), omits to include an important fact recorded by the Human Rights Committee in its concluding observations on the fourth periodic report of Cyprus (31 March 2015). The Human Rights Committee expressed concern regarding the approach of the Greek Cypriot authorities, over reports that investigations of missing persons of Greek Cypriot nationality were prioritized over those relating to missing Turkish Cypriots. The Committee had also advised that the Greek Cypriot authorities ought to take immediate steps to investigate all outstanding cases of missing persons from both the Greek and Turkish communities in an effective, transparent, independent and impartial manner.

It is a fact that there are incidents of racist attacks on Turkish Cypriots by the Greek Cypriots and these should have been referred to under the subsection "Non-discrimination". In Paragraph 25, reference is made to the joint statement made by the Turkish Cypriot and Greek Cypriot leaders following the violent attacks against Turkish Cypriots in South Cyprus on 16 November 2015, but no details are given. In the letter addressed to your Excellency dated 12 February 2015 in response to the Report of the Office of the United

Nations High Commissioner for Human Rights on the question of human rights situation in Cyprus (A/HRC/28/20) on 23 January 2015, it had been brought to your attention that Mr. Kirakos Kenevezos, the Greek Cypriot Minister of Education, had announced that the 2013-2014 education term in South Cyprus should include the notion of the Cyprus problem stating the slogan of the upcoming educational term as "I recognize, I don't forget, I demand" calling on the students to recognize and not to forget the so-called "occupied territories", as well as to demand their "independence". We fear that this may be behind the fact that some of the perpetrators who carried out the attacks of 16 November 2015 were students and the events leading to the violence was actually condoned by the Greek Cypriot Ministry of Education.

On 16 November 2015, followers of Greece's Neo-Nazi Golden Dawn and members of far right party ELAM in South Cyprus attacked Turkish Cypriots who crossed into South Cyprus. Hundreds of ELAM members including students threw stones and firecrackers towards the North from border gates, damaged four vehicles belonging to Turkish Cypriots and injured two Turkish Cypriots during the attacks. The Greek Cypriot daily Cyprus-Mail reported that according to police reports, there were three separate incidents in Nicosia and as a result of these attacks two Turkish Cypriots were treated in hospital of which one suffered an eye injury and the other was hurt on the chest. The Greek Cypriot police said in the first incident that pupils attacked a car with Turkish Cypriot license plates but the driver escaped uninjured. The driver was too afraid to file a complaint and was escorted by police to the border crossing. In the second incident that took place nearby to the first one, a father and a son were attacked inside their car by a group of pupils throwing stones. The father was injured and the car was damaged. In the third incident a Turkish Cypriot suffered injury to the eye following an attack by pupils. Mr. Merkan Numansoy who was injured when a stone that was hurled towards his car hit his chest, stated that although there was a police station 100 meters away from where the event took place, the police authorities did not intervene. Numansoy added that when they went to the Greek Cypriot police station to make a complaint, the police warned them "it could be dangerous to cross over to South Cyprus between 15-20 November".

It was reported in the Greek Cypriot press that the Ionas Nicolaou the Justice Minister of the Greek Cypriot administration ordered a probe into claims that police officers may have not conducted themselves properly during and after the incidents. It was further reported by the Greek Cypriot daily newspaper Haravgi that the offenders were shouting at Turkish Cypriots "you are going to die on Hellenic land" during the attacks. The Greek Cypriot press also referred to the fact that Eliza Savvidou, the Ombudswoman for the Greek Cypriot administration announced the launch of an investigation against discrimination against Turkish Cypriots and was quoted to state that "... attacks bear all the hallmarks of hate crimes, that is, crimes committed against people, not because of their individual stance or behaviour, but due to enmity and prejudice directed at their racial, ethnic, and religious identity". To this day there has been no conclusive action taken towards those who carried out these attacks. In fact, it was reported by Greek Cypriot Alithia newspaper that none of the attacks which took place against Turkish Cypriots between the years 2004 and 2012 have been penalized by the Greek Cypriot legal system. The article further cites the statement of the Greek Cypriot Ombudswoman, who confirmed that adequate investigation has not been carried out regarding any of the many attacks against Turkish Cypriots in Southern Cyprus.

Regarding the freedom of movement and religious freedom, a significant impediment on the Turkish Cypriots is not sufficiently addressed in the relevant paragraphs of the report (para.32 and 41). Many Turkish Cypriots do not have access to religious sites situated in South Cyprus as they are not allowed to cross to South on the basis of the origin of their ancestors, namely because their parents or grandparents originated from Turkey. In addition to its findings already included in the draft report, in its concluding observations

on the fourth periodic report of Cyprus (31 March 2015), the Human Rights Committee had also expressed concern that the travel restrictions at the crossing points prevent some Turkish Cypriots from undertaking religious pilgrimages in the southern part of the island. Overall it is fair to say that the arbitrary Greek Cypriot policy on crossings does not only impede freedom of movement but also freedom of religion. The Turkish Cypriot side has taken a unilateral initiative and removed visa requirements as a goodwill gesture amid the ongoing negotiations. The Turkish Cypriot side also continues to fully support and exert utmost effort towards the opening of two new crossing points agreed by the two Leaders.

In the section on freedom of religion and cultural rights, the number of religious sites in Northern Cyprus where religious services were conducted for the first time during the reporting period (1 December 2014 and 30 November 2015) is given as 14 (para.40) whereas the actual number of such services is 18.

I wish to bring to your kind attention the procedure followed by the Turkish Cypriot side in face of the claims in Paragraph 40 that the Turkish Cypriot side did not approve several requests to hold religious services in certain religious sites. The Turkish Cypriot side evaluates the requests based on four criteria: firstly, the day of the requested service to be a religiously significant day; secondly, the physical condition of the religious site should be suitable to host a religious service; thirdly, the site should not already be in use as a cultural facility and lastly, the religious site should not be situated in a military zone. The Turkish Cypriot side grants utmost importance to facilitate as many requests as possible and even continues to allow services at three churches situated in military zones. The restoration of the ancient church of Ayia Marina/Gürpınar, which is situated within a military area, is underway and aside the said restoration, an alternative road will also be built to further ease access to the Church. These efforts clearly demonstrate the sincerity and respect shown by the Turkish Cypriot side regarding freedom of religion and the preservation of cultural heritage.

The Turkish Cypriot side has established a mechanism where permission is readily granted when the correct channels are adhered to. According to the established practice, Maronites and Greek Cypriots residing in the TRNC communicate their request for the holding of a religious service to the District Officer and those residing in South Cyprus communicate their request to UNFICYP. In both cases these requests are then conveyed to the Ministry of Foreign Affairs of the TRNC.

Despite the good-will displayed by the Turkish Cypriot side on the issue of religious freedom, it should be noted that the Greek Cypriot side is continuing its restrictive policies by preventing many Turkish Cypriots from visiting religious sites in the South on the basis of their place of birth.

In regard to paragraph 49, the alternative appointments for school teachers have currently been approved. On the issue of reviewing textbooks; it is a universally accepted fact that textbooks, in general, should not promote feelings of intolerance and enmity. In the case of Cyprus, it is imperative that all concerned should help promote the establishment of friendly and constructive relations between the two peoples on the Island necessary for creating an atmosphere conducive to a comprehensive settlement. In this spirit, the Turkish Cypriot side approaches the issue of textbooks with great sensitivity and has, in the past years, revised all its textbooks ensuring that they contain no elements of hatred or intolerance. However, it is unfortunate that the Greek Cypriot textbooks still contain material which are offensive to the Turkish Cypriots and which incite feelings of enmity amongst Greek Cypriot children towards Turkish Cypriots. Given the vital role of youth in the future of the Island, one must acknowledge that such material should be eradicated from textbooks and replaced with materials conducive to tolerance and reconciliation. In view of the attacks stated above and their clear links with the Greek Cypriot national education system, reviewing textbooks which shall be used for teaching in the schools for Greek

Cypriots in the North by our authorities can only be regarded as a standard precaution to prevent any unnecessary tension.

Following the attacks mentioned above, upon the proposal of the Turkish Cypriot side, a bi-communal Technical Committee on Education was established by the two Leaders in order to review current education systems and to research how education can counter prejudice and discrimination. The Committee has since its establishment commenced its works.

Within the framework of Confidence Building Measures, the two Leaders agreed to establish a bi-communal Technical Committee on Gender Equality. The Committee, which has the full support from the Turkish Cypriot side, through its activities, is expected to further ease relations between the two communities and contribute towards efforts to find a comprehensive solution to the long overdue Cyprus issue.

Finally, I would like to underline that none of the UN Security Council resolutions and/or reports refer to an "occupation" or "occupied areas" in Cyprus. It needs to be stressed that the UN approach and established terminology regarding the Cyprus issue is primarily based on the principle of impartiality. We, therefore, expect the OHCHR to be more selective in quoting international and regional human rights mechanisms, and to refrain from using references contradicting established UN terminology.

I would like to take this opportunity to emphasize that the Turkish Cypriot side reiterates its strong commitment to continue its efforts for promoting human rights in North Cyprus.

I hope and trust that in the interest of reflecting a more objective and balanced account of the situation vis-à-vis the issue of human rights in Cyprus, the views and observations of the Turkish Cypriot side will be duly taken into consideration and would be reflected accordingly in future Reports of the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

(*Signed*) Emine Colak

Minister of Foreign Affairs